

REMARKS

Claims 1-2, 4, 6-8, and 11-20 are pending in the application. Favorable reconsideration and allowance of this application is respectfully requested in light of the foregoing remarks.

Claims 1, 2, 4, 6, 8, 15-18, and 20 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over US 2001/0029139 to Espe (herein “the Espe publication”) in view of U.S. Patent No. 4,909,294 to Kositzke (herein “the Kositzke patent”). Claims 7, 14, and 19 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over the Espe publication in view of the Kositzke patent and in further view of U.S. Patent No. 5,855,733 to Douglas et al. (herein “the Douglas et al. patent”). Applicant respectfully traverses the rejections for the following reasons.

Claim 1 recites a press pad having a fabric whose warp and/or weft each includes a pattern of alternating types of thread, the pattern repeating itself in the fabric, characterized in that the pattern of alternating types of threads includes at least two types of thread of different elasticity transverse to the thread axis, each type of thread comprising a sheath made of an elastomeric material and a core with a higher tensile strength than the sheath. The recited core and sheath configuration of each thread, in combination with the recited types of threads having different elasticity in the direction transverse to the thread axis, provides an enhanced localized elasticity and strength for the press pad.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must *teach or suggest all the claim limitations*. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Obviousness can only be established by combining or modifying the teachings of the prior art to produce the

claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). It is a well-established law that the Examiner “cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention,” especially if such references fail to disclose expressly claimed elements of the claims. See In re Fine, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988).

As indicated by the Examiner, the Espe publication and the Douglas et al. patent do not disclose a press pad comprised of a fabric having a pattern of alternating types of thread having different elasticity, the pattern repeating itself in the fabric, characterized in that the pattern of alternating types of threads includes at least two types of thread of different elasticities transverse to the thread axis (See page 2 of Final Office Action dated October 17, 2005). Applicant argues that the Kositzke patent fails to correct this deficiency for the following reasons.

The Kositzke patent merely discloses weft yarns 12, 14, 16, and 18 may be extruded from the same or different types of synthetic polymeric resin and may be of the same or different diameters (col. 3, lines 30-34). However, the Kositzke patent does not teach or suggest a press pad characterized in that the pattern of alternating types of threads includes at least two types of thread of different elasticities transverse to the thread axis, each type of thread comprising a sheath made of an elastomeric material and a core with a higher tensile strength than the sheath. The Kositzke patent only discloses threads each comprised of a single-type of polymeric resin (col. 3, lines 30-33). The Kositzke patent provides no teaching or suggestion of providing types of threads of different elasticities where each thread is comprised of a sheath made of an elastomeric material and a core of higher tensile strength than the sheath.

Thus, the cited references do not teach each and every limitation of claim 1.

Also, there is no motivation to combine the Espe publication and the Kositzke patent. The Kositzke patent discloses a fabric designed for papermaking (see Abstract), and is not

related at all to the field of press pad technology. This disparity in fields of technology is exemplified by U.S. Patent Office classification of the Espe publication under U.S. Classes 442/182, 442/184, and 442/202, while the Kositzke patent is classified under U.S. Classes 139/383 A, 162/DIG 1, and 428/224. The Kositzke patent discloses a fabric designed to solve problems with draining and abrasion in order to achieve a good separation of the solids (paper fibers) from water. Furthermore, the point of the paper machines where the paper-maker fabric taught in the Kositzke patent is employed is quite low in temperature such that there is no need or desire for specific temperature resistance properties, as desired in the press pad technology field. Whereas the press pad of the invention includes threads of different elasticity to provide enhanced specific temperature resistance properties, the fabric disclosed in the Kositzke patent is for enhancement of drainage and abrasion resistance that does not compromise a formed paper sheet. In view of the above, the Kositzke patent plainly teaches and suggests solutions to different problems than the present invention (i.e., specific temperature resistance properties), and therefore should not be combined to formulate an obviousness rejection. See In re Peehs, 612 F.2d 1287 (C.C.P.A. 1980); In re Sponnoble, 405 F.2d 578 (C.C.P.A. 1969). Accordingly, there is no motivation to combine the Espe publication and the Kositzke patent.

Also, the Examiner mistakenly fails to prove the limitations of claim 1 using the combination of references. Even assuming that there is motivation to combine the cited references, the logical approach would be to provide threads of alternating elasticity only by varying the diameter of the threads. Notably, this logical approach is used by the Examiner on page 3 of the Office Action dated October 17, 2005. To do otherwise would be to pick and choose amongst the teachings of the prior art, using applicant's own disclosure as a template or mosaic to latch on to those teachings that support the Examiner's position while ignoring those that do not. The Federal Circuit has held that a rejection based on obviousness cannot be predicated upon such an approach:

"It is impermissible within the framework of section 103 to pick and chose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary

to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art."

In re Hedges, 228 USPQ 685, 687 (Fed. Cir. 1986), citing *In re Wesslau*, 3147 USPQ 391, 393 (CCPA 1965); see also MPEP §2143.01. The Examiner does not allege, and fails to provide a logical argument, that the combination of cited references teaches or suggests threads of alternating elasticity using threads each comprised of a sheath made of an elastomeric material and a core of higher tensile strength than the sheath.

Accordingly, for at least these reasons described above, it is believed that claim 1 is allowable. Therefore, reconsideration and withdrawal of the rejection of claim 1 is respectfully requested.

Claims 2, 4 and 6-8 depend either directly or indirectly from claim 1 and are believed allowable for the same reasons that claim 1 is believed allowed. Claims 2, 4, and 6-8 may include patentable subject matter in addition to claim 1. For example, the Examiner is in error that the Douglas et al. patent teaches polyamide is "a substitute" for metal, as recited in claim 7. Rather, the Douglas et al. patent discloses that polyamide yarns may be used to form warp strands, or that metal fibers may be wrapped by an aromatic polyamide yarn (arguably a sheath) (col. 4, lines 41-46). The Douglas et al. patent does not teach that polyamide can be used as a "substitute" for a metal core within a sheath of differing elasticity, as recited in claim 7 as it depends from claim 1. Applicant respectfully requests reconsideration and allowance of claims 2, 4, and 6-8.

Claim 11, as amended, recites a press pad comprising a warp interwoven with a weft, the warp and/or the weft each including a pattern of alternating types of threads having differing elasticity transverse to a thread axis. Each type of thread includes a core and a polymer material at least on its lateral surface. The pattern of alternating types of threads repeats itself.

For reasons similar to those described above for claim 1, the cited references do not teach or suggest a press pad comprising a warp including a pattern of alternating types of threads each having differing elasticity transverse to a thread axis as recited in claim 11. Therefore, reconsideration and withdrawal of the rejection are respectfully requested.

Claims 12-17 depend either directly or indirectly from claim 11 and are believed allowable for the same reasons that claim 11 is believed allowed. Claims 12-17 may also include patentable subject matter in addition to that recited in claim 11.

Claim 18, as amended, recites a press pad with improved pressure compression having a warp; a weft in communication with the warp; and wherein the warp and/or the weft includes an alternating pattern of at least two types of threads of differing elasticity transverse to the thread axis, each type of thread having 1) a sheath that is an elastomer and has a high temperature stability above 200 degrees Celsius, and 2) a core, wherein the core has a higher tensile strength than the sheath.

For reasons similar to those described above for claim 1, the cited references do not teach or suggest each and every limitation recited in claim 18. For example, none of the cited references teach or suggest a press pad having a warp and/or a weft which includes an alternating pattern of at least two types of threads of differing elasticity transverse to the thread axis. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

Claims 19-20 depend either directly or indirectly from claim 18 and are believed allowable for the same reasons that claim 18 is believed allowed. Claims 19-20 may include patentable subject matter in addition to claim 18.

CONCLUSION

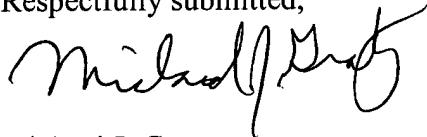
It is submitted that claims 1-2, 4, 6-8, and 11-20 define patentable subject matter. A Notice of Allowance is therefore respectfully requested.

Applicant respectfully requests an extension of time to February 17, 2006, to file the Request for Continued Examination (RCE) and the amendment accompanying the request. A check in the amount of \$455 is enclosed, including a RCE filing fee of \$395 and a request for a one-month extension of \$60 for a small entity. No other fees are believed to be payable. Nevertheless, should the Examiner consider any fee to be payable in conjunction with this or any future communication, the Director is authorized to direct payment of such fees, or credit any overpayments to Deposit Account No. 50-1170.

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The Examiner is please asked to contact the undersigned by telephone if it would help expedite the prosecution and allowance of this application.

Respectfully submitted,



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Dated: 2/6/06

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